

III. REMARKS

Reconsideration of this application as amended is respectfully requested.

Format of this Response

This response is submitted in compliance with the revised format for making amendments to the specification, claims and drawings officially adopted by the USPTO on July 30, 2003, and which is now reflected in 37 C.F.R. §1.121.

If a substitute specification is submitted herein, a clean form and marked-up version are included. Amendments to drawings, if any, are submitted in compliance with 37 C.F.R. §1.84 on replacement sheets as an attachment to this document (with an accompanying detailed explanation of all of the changes with respect to the drawings made in the remarks section of this amendment).

Status of Claims :

Amendments of the claims 1-3, 17, 18, and 24 are presented herein. Claims 12-16, 20, 22-23, and 25-33 are cancelled without prejudice or disclaimer. Thus, claims 1-11, 17-19, 21, 24, and 34-39 are presently pending. No new matter has been introduced with this amendment, which is fully supported by the instant Specification and original claims.

Statement with Respect to Scope of Amended and Non-Amended Claims

Revisions to the claim set is made in order to streamline prosecution of this case in order to obtain early allowance of embodiments that are presently anticipated to be of commercial

significance and in response to the Examiner's restriction requirement which has been made final in the Office Action, and are not made for a purpose of patentability. Any amendment, cancellation, withdrawal or addition made herein with respect to the claims should not be construed in any manner as indicating Applicant's surrender of any subject matter of the application, or surrender of any equivalent to any element asserted in one or more claims. Any narrowing which may be evinced with respect to subject matter covered by the claims as a whole, or by one or more claims of the appended claims whether amended, re-represented, or new, when compared to claims previously in the application, should not be interpreted as indicating that the Applicant has generally disclaimed the territory between the original claimed subject matter and the amended claimed subject matter. Amended claims elements are to be construed to include substantial equivalents known to those of ordinary skill in the art. Applicant asserts that any amendments transacted herein are made without prejudice and reserve all rights to prosecute any canceled claims, and claim structures preceding any amendment to a particular claim, and other disclosed (but not presently claimed) embodiments in the application, in future continuation applications, divisional applications, continuation-in-part applications, continuing prosecution applications, requests for continuing examination, re-examination applications and any other application claiming priority to the present application.

Claim Objections

Examiner's Position:

Claim 3 is objected to because of the alleged ambiguity of the term "and/or".

Applicant's Response:

Claim 3 has been amended in accordance with the Examiner's suggestions.

Claim Rejections -35 USC § 102

Claims 1, 10, 13-15, 18-22 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Chu, et al. (US 6,690,956). However, the rejection of claims 13-15, 20, 22, and 26 is deemed moot in view of their present cancellation.

Applicant respectfully traverses the Examiner's 35 U.S.C. § 102(e) rejections of the claim 1, as presently amended, in part on the basis that the reference recited does not disclose each of the elements of any of the pending claims. Applicant respectfully finds no correspondence in the cited reference for a method of communicating to the operator of the vehicle information as to how long the handheld wireless communication device is in use while the vehicle is in motion; and informing the operator of the moving vehicle that the operation of the handheld wireless communication device may be automatically terminated after a pre-determined period of time. The '956 reference does not even suggest the presently claimed subject matter as amended. Claim 1 is therefore deemed free of the cited art and allowable.

Since rejected pending claims 10, 18, 19, and 21 are dependent from an allowable base claim, these claims are also deemed allowable.

Claims 1-4, 6-9, 11-12, 15-16, 18, 21-22, 24-25, and 29-32 are rejected under 35 U.S.C. 103(a) as being obvious over Parvulescu in view of Gilmour. However, the rejection of claims 12, 15-16, 22, 25, and 29-32, now cancelled, is deemed moot.

Moreover, Applicant traverses the obviousness rejection since the cited references taken singly or combined neither disclose nor suggest the subject matter as presently claimed. The primary reference as discussed is silent on any method according to amended base claim 1 from which the presently pending rejected claims 2-4, 6-9, 11, 18 21, and 24 depend. Similarly, the secondary reference to Gilmour does not even suggest communicating any length of time or duration of prohibited use of the handheld wireless communication device by the operator of a vehicle. Therefore, Applicant respectfully asserts that these dependent claims are also allowable.

Claims 5, 17, and 28 are rejected under 35 USC 103(a) as obvious over Parvulescu in view of Gilmour and further in view of Winkler. In view of the cancellation of claim 28 without prejudice, this rejection is deemed moot. Moreover, as claims 5 and 17 are dependent from allowable base claim 1, Applicant respectfully asserts that these claims having no wider scope than the base claim are also deemed allowable.

Claim 23 is rejected under 35 USC 103(a) as obvious over Chua in view of Winkler. However, the cancellation of the claim 23 renders this rejection moot.

Claim 33 is rejected under 35 USC 103(a) as obvious over Parvulescu in view of Gilmour, further in view of Trauner (US 2002/0070852). However, the present cancellation of claim 33 renders the rejection moot.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's holding of Claims 34-39 allowable over the cited art. Furthermore, a good faith effort has been made by the present amendment of rejected base claim 1 to place it as well as the claims dependent therefrom in condition for allowance, which favorable action is herewith solicited.

CONCLUSION

The presently pending claims are believed in condition for allowance; and an early notification thereof is respectfully requested.

Respectfully submitted,



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